

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL T. HORSTMAN)
Plaintiff,) 3:12-cv-00022-LRH-VPC
v.)
CLAUD WILLIS, et al.,) ORDER
Defendants.)

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#36¹) entered on October 2, 2013, recommending granting Defendants' Motion for Summary Judgment (#32) filed on March 15, 2013. No objection to the Report and Recommendation has been filed. The action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)B and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

It is further noted that the Plaintiff's copy of the Magistrate Judge's Report and Recommendation was returned from the Ely State Prison on the ground that Plaintiff has been "discharged" from the prison (#37). Plaintiff has failed to notify the court of his change of address as required by LSR 2-2.

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¹Refers to court's docket number.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the Magistrate Judge's Report and Recommendation (#36) entered on October 2, 2013, should be adopted and accepted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#36) entered on October 2, 2013, is adopted and accepted, and Defendants' Motion for Summary Judgment (#32) is **GRANTED in part and DENIED in part** as follows:

- (1) Summary judgment on counts I and III is GRANTED;
 - (2) Summary judgment on count IV against defendants Neva, Baca and Morrow is GRANTED;
 - (3) Summary judgment on count IV against defendant Schaff is DENIED.

IT IS FURTHER ORDERED that, given Plaintiff's failure to comply with Local Rule LSR 2-2, which requires him to promptly inform the Court of any changes in address, the remaining count in this action – Count IV against Defendant Schaff – is **DISMISSED** without prejudice. The Clerk of the Court shall enter judgment accordingly.

IT IS SO ORDERED.

DATED this 22nd day of January, 2014.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE